

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GARY J. EGNATSKI

Plaintiff,

-against-

MEMORANDUM AND ORDER  
06-CV-1405 (JS)(ARL)

LOUISE MORTILLA and TERRY SOUDERS,

Defendants.

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Appearances:

For Plaintiff: Gary Egnatski, Pro se  
120 Dekruif Place, Apt 3J  
Bronx, New York 10475

For Defendants: No appearances

SEYBERT, District Judge:

On July 21, 2006, this Court issued an Order ("July Order") granting Plaintiff permission to proceed in forma pauperis but sua sponte dismissing his Complaint. The Court granted Plaintiff thirty days to re-plead his claims. Currently pending before the Court is Plaintiff's Amended Complaint.

While difficult to follow, it is clear from the Amended Complaint that Plaintiff seeks the return of his flutar. As explained in the July Order, Plaintiff may not seek such relief in this Court:

Plaintiff's objection that Mortilla possesses a "prototype" version of the Flutar is not properly raised in this Court. In essence, Plaintiff asks this Court to overturn the California Superior Court's disposition of matrimonial property. But appellate review of such a

state court determination is precluded by the Rooker-Feldman doctrine. See Dist. Court of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 103 S. Ct. 1303, 75 L. Ed. 2d 206 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 44 S. Ct. 149, 68 L. Ed. 362 (1923); see also Exxon Mobil Corp. v. Saudi Basic Indus. Corp., \_\_ U.S. \_\_, 125 S. Ct. 1517, 1521-22 161 L. Ed. 2d 454 (Mar. 30, 2005) ("The Rooker-Feldman doctrine . . . is confined to cases of the kind from which the doctrine acquired its name: cases brought by state court losers complaining of injuries caused by state court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.")

July Order at 8-9.

Accordingly, for the reasons set forth in the July Order, the Amended Complaint is hereby DISMISSED. The Clerk of the Court is directed to mark this matter as CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT  
JOANNA SEYBERT, U.S.D.J.

Dated: Central Islip, New York  
October 6, 2006